



**US Army Corps
Of Engineers**
Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Public Notice:

Application for Permit

APPLICATION NO.: NWW-2013-00171

WATERWAY: Big Wood River

APPLICANT: James E. Daverman, Dwayne Clark,
Greg Carr and David Morrow

DATE ISSUED: August 27, 2013

END DATE: September 26, 2013

30-Day Notice

Interested parties are hereby notified that this District has received an application for a Department of the Army permit for certain work in waters of the United States, including wetlands, as described below and shown on the attached drawings, entitled "*West Gimlet Stream Channel Alteration Permit*" *Drawings 1 through 11, dated March 27, 2013.*

APPLICANT: Mr. James E. Daverman, 515 Grove Street, Glencoe, IL 60022; Mr. Dwayne Clark, T & D Real Estate, LLC, 17602 NE Union Hill Road, Redmond, WA 98052; Mr. Greg Carr, 313 N. Water Avenue, Idaho Falls, ID 83402; and Mr. David Morrow, Cond Caribe Plaza, Apt. 1803, #35 Ave. Munoz Rivera, San Juan, PR 00901-2445.

AGENT: Brockway Engineering, PLLC, 2016 Washington Street North, Twin Falls, ID 83301; contact Mr. Charles G. Brockway, P.E. at (208) 736-8543.

USACE PM CONTACT: Idaho Falls Regulatory Office, 900 N. Skyline Drive, Suite A, Idaho Falls, ID 83402; contact Mr. Timm Kennedy at (208) 522-1645.

PURPOSE: The purpose of the proposed project is to protect three residential homes from overbank flooding that occurs at much less than the 100 year event. The access route to the three residences is also being threatened by flooding.

The applicants believe the proposed project is the best approach to secure a long-term solution to protect the area from further erosion and prevent flooding of the three residences and access road to the homes. The proposed project will 1) maximize conveyance capacity during flood events; 2) provide multiple pathways of flow during flood events; and (3) directly prevent sheet flooding of the residences and access road by providing an earthen barrier to redirect flows.

WATERWAY: Big Wood River

LOCATION: The proposed project would be located on the Big Wood River within Section 6, Township 3 North, Range 18 East, near latitude 43.6261° N and longitude -114.3486° W, in Blaine County, in Hailey, Idaho.

DRIVING DIRECTIONS: The project location is reached from Hailey, Idaho by traveling north on Highway 75, then east on Gimlet Road. The project address is 30 Gimlet Road, Ketchum, Idaho 83340.

AUTHORITY: This permit will be issued or denied under the authority of Section 404 of the Clean Water Act (33 U.S.C. 1344). A Department of the Army permit is required for the discharge of dredged or fill material into waters of the United States, including wetlands.

WORK: The proposed project involves the discharge of 778 cubic yards of dredged river gravel/cobble material and 906 cubic yards of rock riprap below the ordinary high water mark of the Big Wood River. Proposed work activities are associated with bank reclamation and erosion protection, restoration work in the east side channel, installation of three rock sills and construction of two temporary cofferdams.

Other work includes the excavation of accumulated gravels and cobbles from the east side channel and west bypass channel. A portion of the excavated riverbed material would be re-deposited in the river for restoration work and cofferdam construction. All excess fill and dredged material will be taken to gravel pits located in Ohio Gulch, about 1 mile east of Highway 75. The disposal site is upland and there is no water in the Ohio Gulch.

The applicants also propose to construct a berm measuring 300 foot long, 2-3 feet high, 12 to 15 feet wide toe to toe, with a 3-foot wide crest to provide protection from over bank flooding. The berm is located in uplands and does not require Department of the Army approval.

- Bank restoration - discharge 736 cubic yards of dredged material and 209 cubic yards of rock riprap in to the river along 320 linear feet, converting 0.24 acre of river bed to uplands.
- Rock sills - discharge 697 cubic yards of riprap to construct three grade control sills.
- Temporary cofferdams - discharge 24.7 cubic yards of dredged material for north cofferdam (107' long) and 17.3 cubic yards of dredged material for the south cofferdam (87' long) temporarily affecting 0.059 acre of riverbed.
- East side channel - excavate 1960 cubic yards of accumulated gravels and cobbles impacting 0.93 acres of riverbed.
- West bypass channel - excavate 308 cubic yards of accumulated gravel and cobbles impacting 0.37 acres of riverbed.

CONSTRUCTION PERIOD: Applicant proposes to start construction October 1, 2013 and end November 15, 2013. The permit would authorize construction for a period of 3 years.

PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material. Excavation work will be completed when flows are at their lowest to avoid sedimentation and turbidity of/in the Big Wood River. Temporary cofferdams will be constructed on the west channel so work can be conducted in the dry. They will be constructed from the excavated river gravel/cobble from the adjacent bypass channel and gravel bar. To reduce the transport of loose sediment from the recently worked East and West channels, cofferdams will be removed in a way that flows are released slowly back into the channel.

The applicant is not proposing compensatory mitigation for the project as they believe the project will not have any long-term detrimental impacts to the aquatic or riparian environment. The proposed project will enhance the river system by decreasing the energy of the system and increasing flow conveyance. The project will decrease erosion and sedimentation in the Big Wood River. The proposed revegetation plan will stabilize the streambanks, provide shade/decrease water temperature and provide habitat to aquatic/riparian species.

The applicants stated their intent to implement Best Management Practices (BMPs) in the construction plans and that the BMPs shall be inspected and monitored daily for compliance.

OTHER ENVIRONMENTAL DOCUMENTS and DA PERMITS ISSUED TO APPLICANT:
NA

WATER QUALITY CERTIFICATION: This notice will also serve as public notice that the Idaho Department of Environmental Quality (IDEQ) is evaluating whether to certify that the discharge of dredge and/or fill material proposed for this project will not violate existing water quality standards. A Department of the Army permit will not be issued until water quality certification has been issued or waived by the IDEQ, as required by Section 401 of the Clean Water Act. If water quality certification is not issued, waived or denied within sixty (60) days of this public notice date, and an extension of this period is not requested by and granted to the IDEQ, USEPA, Tribal entities, certification will be considered waived. Additionally, within thirty (30) days of this Public Notice, any person may provide written comments to IDEQ and request in writing that IDEQ provide them notice of their preliminary 401 Certification decision. Comments concerning Water Quality Certification for this project should be mailed to: Idaho Department of Environmental Quality, Twin Falls Regional Office, 605 Addison Avenue West, Suite 110, Twin Falls, Idaho 83301.

AQUATIC RESOURCE DESCRIPTION: The Big Wood River is located within the Big Wood River Watershed (HUC 17040219).

The proposed project is located in a river channel and typical river gravel bar that primarily consists of cobble and gravel material. The impact area has little to no vegetation. The proposed project will not disturb any riparian vegetation. The Cowardin class is riverine, upper perennial, unconsolidated bottom, cobble.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT: Permanent and temporary impacts to waters of the United States associated with the proposed project include:

- The permanent conversion of 0.24 acre (320' L x 32'W) of aquatic habitat to uplands associated with reclaiming lost property.
- Disturbance of 0.93 acre (841' L x 48'W) of the river bed from activities associated with the removal of river gravel/cobble from the east channel.
- Disturbance to 0.37 acre (443' L x 36'W) of river channel from activities associated with the removal of river gravel/cobble from the west bypass channel.
- The construction of three rock sills on the Big Wood River. The east channel north rock sill will impact 0.022 acre (80' L by 12' W) of river bed; the east channel south rock sill will impact 0.030 acre (110' L x 12' W) of river bed and; the west bypass channel north rock sill will impact 0.011 acre (50' L x 10' W) of river bed, totaling 0.063 acres.
- Installation and removal of the north cofferdam (107' L x 16' W (0.039 acres)) and the south cofferdam (87' L x 11' W (0.02 acres)) would temporarily impact the river bed of the Big Wood River. The total impact is 0.059 acres.

OTHER AUTHORIZATIONS: Other authorizations requested include Water Quality Certification from the Idaho Department of Environmental Quality. An Idaho Department of Water Resource's Stream Alteration permit will also be required.

CULTURAL RESOURCES: Coordination is currently being conducted with the office of the Idaho State Historic Preservation Officer to determine if this activity will affect a site that is listed on the National Register of Historic Places, or a site that may be eligible for listing on the Register. We are also coordinating with the appropriate Tribal entity or the Tribal Historic Preservation Offices for the

Shoshone-Bannock and Shoshone-Paiute Tribes, to determine if there are any tribal historic or cultural interests within the project area.

TRIBAL TREATY RIGHTS and INTERESTS: Federal agencies acknowledge the federal trust responsibility arising from treaties, statutes, executive orders and the historical relations between the United States and American Indian Tribes. The Federal Government has a unique trust relationship with federally recognized American Indian Tribes, including the Shoshone-Bannock and Shoshone-Paiute Tribes. The Corps of Engineers has a responsibility and obligation to consider and consult on potential effects to Tribal rights, uses and interests. The Corps of Engineers further recognizes there may be a need for additional and on-going consultation.

ENDANGERED SPECIES: The project is within the known or historic range of Canada lynx (*Lynx Canadensis*), bull trout (*Salvelinus confluentus*), spring summer Chinook salmon (*Oncorhynchus tshawytscha*), Snake River Basin steelhead (*Oncorhynchus tshawytscha*) and Sockeye salmon (*Oncorhynchus nerka*). The Canada lynx, bull trout, Chinook salmon and Steelhead are listed as threatened species. The Sockeye salmon is listed as an endangered species. Bull trout, Chinook salmon and Sockeye salmon have designated critical habitat within Blaine County; however, these species are restricted to the Salmon River Drainage and are not known to occur in the Big Wood River Drainage.

Coordination is currently being conducted with the U.S. Fish and Wildlife Service (USFWS) to determine if the activity will have any affect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Preliminarily we have determined the project will have no effect on these species or their designated critical habitat.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service on all actions or proposed actions, permitted, funded or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). No EFH species or EFH species are known to use the project area. Preliminarily, we have determined the described activity would have no effect on EFH.

ENVIRONMENTAL IMPACT STATEMENT: Preliminary review indicates the proposed activities will not require preparation of an Environmental Impact Statement. Comments provided will be considered in preparation of an Environmental Assessment.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. This decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and in general, the needs and welfare of the people. In addition, our evaluation will include application of the EPA Guidelines (40 CFR 230) as required by Section 404(b)(1) of the Clean Water Act.

CONSIDERATION OF PUBLIC COMMENTS: The Corps of Engineers is soliciting comments from the general public; Federal, State and local agencies and officials, Tribal entities and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING: Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing.

COMMENT & REVIEW PERIOD: Interested parties are invited to provide comments on the proposed activity, which will become a part of the record and will be considered in the final decision.

Please mail all comments to:

U.S. Army Corps of Engineers
Walla Walla District
Timm Kennedy
Idaho Falls Regulatory Office
900 N. Skyline Drive
Idaho Falls, ID 83401
timmm.a.kennedy@usace.army.mil

Comments should be received no later than the comment due date of **September 26, 2013**, as indicated on this notice, to receive consideration.

James M. Joyner
Sr. Project Manager
Walla Walla District

Enclosures